

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERRY LEGATE,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

Case No. C13-1045-MJP-JPD

REPORT AND RECOMMENDATION

On June 18, 2013, plaintiff Jerry Legate submitted to the Court for filing a civil rights complaint under 42 U.S.C. § 1983 together with an application to proceed with this action *in forma pauperis*. (See Dkt. No. 1.) Plaintiff alleged in his complaint that corrections officers at the King County Jail had interrogated him about his pending criminal case outside the presence of his appointed counsel in violation of his civil rights. Plaintiff identified King County and King County corrections officers Kelly Dezarn, L. Ries, J. Thomas, and J. Harvey as defendants in this action.

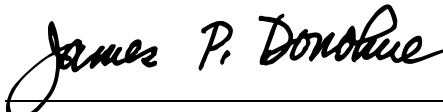
On August 9, 2013, plaintiff's application for leave to proceed *in forma pauperis* was granted and his complaint was filed. (See Dkt. Nos. 4 and 5.) On the same date, this Court issued an Order declining to serve plaintiff's complaint and granting him leave to amend. (Dkt.

REPORT AND RECOMMENDATION - 1

1 No. 6.) Plaintiff was advised therein that his allegations against the named defendants were
2 vague and conclusory and insufficient to state a cause of action under § 1983. (*Id.*) Plaintiff was
3 granted thirty days within which to file an amended complaint curing the specified deficiencies,
4 and was advised that his failure to timely file an amended complaint would result in a
5 recommendation that this matter be dismissed. (*Id.*) To date, no amended complaint has been
6 filed.

7 When a complaint is frivolous, malicious, fails to state a claim on which relief may be
8 granted, or seeks monetary relief against a defendant who is immune from such relief, the Court
9 may dismiss an *in forma pauperis* complaint before service of process under 28 U.S.C.
10 § 1915(e)(2)(B). Because plaintiff has not adequately alleged a cause of action against any of
11 the named defendants, this Court recommends that plaintiff's complaint, and this action, be
12 dismissed, without prejudice, pursuant to § 1915(e)(2)(B)(ii). A proposed order accompanies
13 this Report and Recommendation.

14 DATED this 31st day of October, 2013.

15 
16 JAMES P. DONOHUE
17 United States Magistrate Judge
18
19
20
21
22
23